

House Criminal Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 219

House Bill No. 217*

by deleting SECTIONS 1 and 6 and renumbering the remaining sections.

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 675*

House Bill No. 888

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-401, is amended by deleting subdivision (d)(2), substituting the following, and redesignating the subsequent subdivisions accordingly:

(2) The clerk shall charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation or any post-judgment actions other than expunctions.

(3) The clerk may charge a fee of up to one hundred dollars (\$100) for expunctions.

SECTION 2. Tennessee Code Annotated, Section 8-21-401, is amended by deleting subdivision (g)(5) and substituting:

(5) The clerk may charge a fee of up to one hundred dollars (\$100) for expunctions.

SECTION 3. Tennessee Code Annotated, Section 40-6-203(b)(2), is amended by deleting the language "in conformance with Rule 3" and substituting the language "in conformance with § 40-6-204 and Rule 3".

SECTION 4. Tennessee Code Annotated, Section 40-6-204, is amended by designating the current language as subsection (a) and adding the following as a new subsection:

(b) The affidavit of complaint must contain instructions informing the defendant that if the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition



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by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

SECTION 5. Tennessee Code Annotated, Section 40-32-101(a)(1)(B), is amended by deleting the language "the appropriate clerk's fee pursuant to § 8-21-401" and substituting the language "the appropriate clerk's fee pursuant to § 8-21-401, if applicable,".

SECTION 6. Tennessee Code Annotated, Section 40-32-101(g)(1), is amended by deleting the language "For purpose of this subsection (g)" and substituting the language "Except as provided in SECTION 14, as used in this subsection (g)".

SECTION 7. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by deleting the language "and sentenced to imprisonment for a term of three (3) years or less for an offense".

SECTION 8. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by adding the following as new subdivisions:

- () Section 39-14-152 – Use of a counterfeit mark or logo;
- () Section 39-14-903 – Money laundering offenses;

SECTION 9. Tennessee Code Annotated, Section 40-32-101(g)(1)(B)(xi), is amended by deleting the subdivision and substituting:

(xi) Section 39-13-514(b)(3)(A) - Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability;

SECTION 10. Tennessee Code Annotated, Section 40-32-101(g)(1)(D), is amended by deleting the subdivision, substituting the following, and redesignating the subsequent subdivision appropriately:

(D) A person who was convicted of one (1) of the following Class D felonies committed on or after November 1, 1989:

- (i) Section 39-14-103 – Theft of property;
- (ii) Section 39-14-104 – Theft of services;
- (iii) Section 39-14-112 – Extortion;

- (iv) Section 39-14-114 – Forgery;
- (v) Section 39-14-115 – Criminal simulation;
- (vi) Section 39-14-118 – Illegal possession or fraudulent use of credit card or debit card;
- (vii) Section 39-14-121 – Worthless checks;
- (viii) Section 39-14-130 – Destruction of valuable papers;
- (ix) Section 39-14-133 – False or fraudulent insurance claims;
- (x) Section 39-14-137 – Fraudulent qualifying for set-aside programs;
- (xi) Section 39-14-138 – Theft of trade secrets;
- (xii) Section 39-14-139 – Sale of recorded live performances without consent;
- (xiii) Section 39-14-147 – Fraudulent transfer of motor vehicle valued at twenty thousand dollars (\$20,000) or more;
- (xiv) Section 39-14-149 – Communication theft;
- (xv) Section 39-14-150(b) – Identity theft;
- (xvi) Section 39-14-152 – Use of a counterfeit mark or logo;
- (xvii) Section 39-14-154 – Home improvement fraud;
- (xviii) Section 39-14-402 – Burglary - other than habitation or automobile;
- (xix) Section 39-14-408 – Vandalism;
- (xx) Section 39-14-602(a)–(c) – Violation of Tennessee Personal and Commercial Computer Act;
- (xxi) Section 39-14-603 – Unsolicited bulk electronic mail;
- (xxii) Section 39-16-502(a)(1) or (a)(2) – False report to law enforcement not involving bomb, fire, or emergency;
- (xxiii) Section 39-17-417(d) – Manufacture, deliver, sale, or possession of Schedule III drug (fine not greater than fifty thousand dollars (\$50,000));

(xxiv) Section 39-17-417(e) – Manufacture, deliver, sale, or possession of Schedule IV drug (fine not greater than fifty thousand dollars (\$50,000));

(xxv) Section 39-17-417(g)(2) – Manufacture, deliver, sale, or possession of certain Schedule VI drugs (fine not greater than fifty thousand dollars (\$50,000));

(xxvi) Section 39-17-430 – Prescribing or selling steroid for unlawful purpose;

(xxvii) Section 39-17-433 – Promoting manufacture of methamphetamine;

(xxviii) Section 39-17-438 – Produce, manufacture, delivery, sale, or possession of hallucinogenic plant salvia divinorum or the synthetic cannabinoids (first violation);

(xxix) Section 39-17-454(c) – Manufacture, deliver, dispense, sell, or possess with intent to manufacture, deliver, dispense, or sell a controlled substance analogue (first violation);

(xxx) Section 39-17-607(a) – Making counterfeit or altering lottery ticket (fine not greater than fifty thousand dollars (\$50,000));

(xxxi) Section 39-17-608 – Making material false statement on lottery application or record;

(xxxii) Section 39-17-654(c) – Unauthorized person conducting charitable gaming event; and

(xxxiii) Section 53-11-402(a)(3) – Drug fraud;

(E) A person who was convicted of one (1) of the following Class C felonies committed on or after November 1, 1989:

(i) Section 39-14-103 – Theft of property;

(ii) Section 39-14-104 – Theft of services;

(iii) Section 39-14-114 – Forgery;

- (iv) Section 39-14-115 – Criminal simulation;
- (v) Section 39-14-118 – Illegal possession or fraudulent use of a credit card or debit card;
- (vi) Section 39-14-121 – Worthless checks;
- (vii) Section 39-14-130 – Destruction of valuable papers;
- (viii) Section 39-14-133 – Fraudulent or false insurance claims;
- (ix) Section 39-14-137 – Fraudulent qualifying for set-aside programs;
- (x) Section 39-14-138 – Theft of trade secrets;
- (xi) Section 39-14-139 – Sale of recorded live performances without consent;
- (xii) Section 39-14-149 – Communication theft;
- (xiii) Section 39-14-150(c) – Identity theft trafficking;
- (xiv) Section 39-14-152 – Use of a counterfeit mark or logo;
- (xv) Section 39-14-154 – Home improvement fraud;
- (xvi) Section 39-14-408 – Vandalism;
- (xvii) Section 39-14-602(b)(5) – Violation of Tennessee Personal and Commercial Computer Act;
- (xviii) Section 39-14-603 – Unsolicited bulk electronic mail;
- (xix) Section 39-14-804 – Theft of animal from or damage to an animal facility;
- (xx) Section 39-17-417(c) – Manufacture, deliver, sale, or possession of Schedule II drug, including cocaine or methamphetamine in an amount less than point five (0.5) grams (fine not greater than one hundred thousand dollars (\$100,000));
- (xxi) Section 39-17-417(e) – Manufacture, deliver, sale, or possession of flunitrazepam (fine not greater than one hundred thousand dollars (\$100,000));

(xxii) Section 39-17-417(g)(3) – Manufacture, deliver, sale, or possession of Schedule VI controlled substance (fine not greater than one hundred thousand dollars (\$100,000));

(xxiii) Section 39-17-454(c) – Manufacture, delivery, dispense, or sale or possession with the intent to manufacture, deliver, dispense, or sale of a controlled substance analogue (second or subsequent violation); and

(xxiv) Section 39-17-607(b) – Influencing or attempting to influence lottery;

(F) A person who was convicted of one (1) of the following Class B felonies committed on or after November 1, 1989:

(i) Section 39-14-103 – Theft of property;

(ii) Section 39-14-104 – Theft of services;

(iii) Section 39-14-114 – Forgery;

(iv) Section 39-14-115 – Criminal simulation;

(v) Section 39-14-118 – Illegal possession or fraudulent use of credit card or debit card;

(vi) Section 39-14-121 – Worthless checks;

(vii) Section 39-14-130 – Destruction of valuable papers;

(viii) Section 39-14-133 – Fraudulent or false insurance claims;

(ix) Section 39-14-137 – Fraudulent qualifying for set-aside programs;

(x) Section 39-14-138 – Theft of trade secrets;

(xi) Section 39-14-139 – Sale of recorded live performances without consent;

(xii) Section 39-14-149 – Communication theft;

(xiii) Section 39-14-152 – Use of a counterfeit mark or logo;

(xiv) Section 39-14-154 – Home improvement fraud;

(xv) Section 39-14-408 – Vandalism;

(xvi) Section 39-14-602(a)–(c) – Violation of Tennessee Personal and Commercial Computer Act;

(xvii) Section 39-14-603 – Unsolicited bulk electronic mail;

(xviii) Section 39-14-903 – Money laundering offenses;

(xix) Section 39-17-417(b) – Manufacture, delivery, sale, or possession of Schedule I drug (fine not greater than one hundred thousand dollars (\$100,000));

(xx) Section 39-17-417(c) – Manufacture, delivery, sale, or possession of cocaine or methamphetamine in amounts of point five (0.5) grams or more (fine not greater than one hundred thousand dollars (\$100,000));

(xxi) Section 39-17-417(i) – Manufacture, delivery, sale, possession, or conspiracy to manufacture, deliver, sell, or possess certain amounts of controlled substances (fine not greater than two hundred thousand dollars (\$200,000)); and

(xxii) Section 39-17-435 – Initiating process to result in manufacture of methamphetamine;

(G) A person who was convicted of one (1) of the following Class A felonies committed on or after November 1, 1989:

(i) Section 39-14-103 – Theft of property;

(ii) Section 39-14-104 – Theft of services;

(iii) Section 39-14-114 – Forgery;

(iv) Section 39-14-115 – Criminal simulation;

(v) Section 39-14-118 – Illegal possession or fraudulent use of credit card or debit card;

(vi) Section 39-14-121 – Worthless checks;

(vii) Section 39-14-130 – Destruction of valuable papers;

(viii) Section 39-14-133 – Fraudulent or false insurance claims;

(ix) Section 39-14-137 – Fraudulent qualifying for set-aside programs;

- (x) Section 39-14-138 – Theft of trade secrets;
- (xi) Section 39-14-139 – Sale of recorded live performances without consent;
- (xii) Section 39-14-149 – Communication theft;
- (xiii) Section 39-14-152 – Use of a counterfeit mark or logo;
- (xiv) Section 39-14-154 – Home improvement fraud;
- (xv) Section 39-14-408 – Vandalism;
- (xvi) Section 39-14-602(a)–(c) – Certain violations of the Personal and Commercial Computer Act;
- (xvii) Section 39-14-603 – Unsolicited bulk electronic mail; and
- (xviii) Section 39-17-417(j) – Manufacture, delivery, sale, possession, or conspiracy to manufacture, deliver, sell, or possess certain amounts of controlled substances; or

SECTION 11. Tennessee Code Annotated, Section 40-32-101(g)(2)(B), is amended by deleting the subdivision and substituting:

- (B) At the time of the filing of the petition for expunction at least:
 - (i) Five (5) years have elapsed since the completion of the sentence imposed for a misdemeanor or Class E felony;
 - (ii) Ten (10) years have elapsed since the completion of the sentence imposed for a Class C or D felony; or
 - (iii) Fifteen (15) years have elapsed since the completion of the sentence imposed for a Class A or B felony;

SECTION 12. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (g)(4) and substituting:

- (4)
 - (A) Both the petitioner and the district attorney general may file evidence with the court relating to the petition.

(B) The district attorney general may file evidence relating to the petition under seal for review by the court. Evidence filed under seal by the district attorney general is confidential and is not a public record.

SECTION 13. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (g)(5) and substituting:

(5)

(A) The court shall enter an order granting or denying the petition no sooner than sixty-one (61) days after service of the petition upon the district attorney general. Prior to entering an order on the petition, the court shall review and consider all evidence submitted by the petitioner and the district attorney general, including any evidence submitted by the district attorney general under seal pursuant to subdivision (g)(4)(B).

(B) In making a decision on the petition, the court shall weigh the interest of the petitioner against the best interests of justice and public safety; provided, that:

(i) If the petitioner is an eligible petitioner pursuant to subdivision (g)(1)(A), (g)(1)(B), (g)(1)(C), (g)(1)(D), or (g)(1)(E) and meets the requirements of subdivision (g)(2), then there is a rebuttable presumption that the petition should be granted; and

(ii) If the petitioner is an eligible petitioner pursuant to subdivision (g)(1)(F) or (g)(1)(G), then there is a rebuttable presumption that granting the petition is not in the best interest of justice and public safety and the petition should be denied.

SECTION 14. Tennessee Code Annotated, Section 40-32-101(g), is amended by adding the following as a new subdivision:

() A person is not an eligible petitioner for purposes of this subsection (g) if the person was convicted of an offense involving the manufacture, delivery, sale, or possession of a controlled substance and at the time of the offense the person held:

(A) A commercial driver license, as defined in § 55-50-102, and the offense was committed within a motor vehicle, as defined in § 55-50-102; or

(B) Any driver license and the offense was committed within a commercial motor vehicle, as defined in § 55-50-102.

SECTION 15. Tennessee Code Annotated, Section 40-32-101(i), is amended by deleting the language "the appropriate court clerk's fee pursuant to § 8-21-401" and substituting the language "the appropriate court clerk's fee pursuant to § 8-21-401, if applicable,".

SECTION 16. Tennessee Code Annotated, Section 40-32-101(k)(1)(C), is amended by deleting the subdivision and substituting:

(C) At the time of the filing of the petition for expunction at least:

(i) Five (5) years have elapsed since the completion of the sentence imposed for the most recent offense, if the offenses were both misdemeanors or a Class E felony and a misdemeanor;

(ii) Ten (10) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class C or D felony; and

(iii) Fifteen (15) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class A or B felony; and

SECTION 17. This act takes effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1527*

House Bill No. 1440

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417, is amended by deleting subdivision (c)(1) and substituting:

(1)

(A) Methamphetamine is a Class B felony if the amount involved is point five (0.5) grams or more of any substance containing methamphetamine and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); and

(B) Cocaine is a Class B felony if the amount involved is greater than three point five (3.5) grams of any substance containing cocaine and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); and

SECTION 2. Tennessee Code Annotated, Section 39-17-417, is amended by deleting subdivision (c)(2)(A) and substituting:

(A) Any other Schedule II controlled substance, including methamphetamine in an amount of less than point five (0.5) grams and cocaine in an amount of three point five (3.5) grams or less, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); provided, that if the offense involves less than point five (0.5) grams of a controlled substance containing methamphetamine or three point five (3.5) grams or less of a controlled substance containing cocaine but the defendant carried or employed a deadly weapon, as defined in § 39-11-106, during



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commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a Class B felony.

SECTION 3. Tennessee Code Annotated, Section 39-17-417(i)(10), is amended by deleting the language "Twenty-six (26) grams" and substituting "Fifteen (15) grams".

SECTION 4. Tennessee Code Annotated, Section 39-17-417(i)(12), is amended by deleting the language "Fifteen (15) grams" and substituting "Ten (10) grams".

SECTION 5. Tennessee Code Annotated, Section 39-17-417(j)(12), is amended by deleting the language "One hundred fifty (150) grams" and substituting "One hundred (100) grams".

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1132*

House Bill No. 1334

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 30, is amended by adding the following as a new section:

(a) The advisory council shall develop a poster design that brings awareness to human trafficking. The advisory council shall provide the completed poster design to the department of tourism for placement of the posters in each of Tennessee's welcome centers for the public to view.

(b) The department shall place such number of posters in the welcome centers as the department finds adequate to appropriately bring awareness to human trafficking. The department shall consider placing the posters on bathroom stall doors in the welcome centers.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1437

House Bill No. 545*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-503, is amended by deleting the language "defendant's" wherever it appears and substituting instead the language "incarcerated individual's"; and is further amended by deleting the language "defendant" wherever it appears and substituting instead the language "incarcerated individual".

SECTION 2. Tennessee Code Annotated, Section 40-35-503(d)(1), is amended by deleting the subdivision and substituting instead the following:

Within one (1) year of an incarcerated individual's release eligibility date, an employee of the department of correction shall meet with the incarcerated individual to create a release plan. The board of parole shall then conduct a hearing to determine the individual's fitness for parole upon the individual's release eligibility date.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Date _____

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AMEND Senate Bill No. 472

House Bill No. 563*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-302(e)(1), is amended by deleting the subdivision and substituting the following:

(1) Where the collateral pledged is cash, or an item readily converted to cash such as a certificate of deposit, the professional bondsman's capacity must be at least twenty (20) times the amount of the collateral pledged;

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 310

House Bill No. 361*

by deleting the amendatory language of Section 1 and substituting instead:

(h) An officer of a governmental animal control agency may enter a property or dwelling and rescue any abandoned non-livestock animal therein, if the entry is pursuant to:

- (1) A valid search warrant;
- (2) A judicially recognized exception to the warrant requirement; or
- (3) The property owner's consent.



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Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1035

House Bill No. 39*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Jim Coley Protection for Rape Survivors Act".

SECTION 2. Tennessee Code Annotated, Section 39-13-519, is amended by deleting subsection (b) and substituting:

(b) A victim of a sexually-oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Within twenty-four (24) hours of the conclusion of the forensic examination, the healthcare provider shall notify the applicable law enforcement agency that a sexual assault evidence collection kit or hold kit is ready for release. Within seven (7) days of being notified, the law enforcement agency shall pick up the sexual assault evidence collection kit or hold kit for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

SECTION 3. Tennessee Code Annotated, Section 39-13-519, is amended by deleting subdivision (c)(1) and substituting:

(1) If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The healthcare provider shall provide the victim with the identifying number placed on the victim's hold kit; information about where and how long the kit will be stored; procedures for making a police report and information about the



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electronic tracking system procured by the Tennessee bureau of investigation pursuant to Section 10; contact information for local rape crisis centers, if any; and a copy of the rights of a victim of a sexually oriented crime as set forth in Section 9. The hold kit must be released to the appropriate law enforcement agency for storage pursuant to subdivision (d)(2). Once a victim makes a police report, the law enforcement agency shall change the kit status in the system prior to submitting the kit to the state crime lab or other similar qualified laboratory for either serology or DNA testing.

SECTION 4. Tennessee Code Annotated, Section 39-13-519(d)(1), is amended by deleting the language "sixty (60) days" and substituting the language "thirty (30) days".

SECTION 5. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "sixty (60) days" and substituting the language "thirty (30) days".

SECTION 6. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "three (3) years" and substituting the language "ten (10) years".

SECTION 7. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following as new subsections:

() Beginning July 1, 2022:

(1) A law enforcement agency, the state crime lab, and any other similar qualified laboratory that receives, maintains, stores, or preserves sexual assault evidence collection kits or hold kits must participate in the electronic tracking system administered by the Tennessee bureau of investigation pursuant to Section 10;

(2) A law enforcement agency receiving a sexual assault evidence collection kit after the conclusion of the forensic medical examination must provide the victim with a tracking number for the sexual assault evidence collection kit, and a copy of the pamphlet created by the Tennessee bureau of investigation pursuant to Section 10 explaining how to access and use the tracking system and the victim's right to receive testing status updates of the

victim's sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory; and

(3) A law enforcement agency receiving a sexual assault evidence collection kit or hold kit from a healthcare provider must enter the sexual assault evidence collection kit or hold kit into the tracking system within ten (10) days of receipt of the evidence from the healthcare provider. The location and status of the evidence must be updated in the tracking system by the law enforcement agency and the state crime lab or other similar qualified laboratory taking possession of the kit at each step of the process, including submission of the evidence to the laboratory for testing, laboratory testing status, and evidence disposition following laboratory testing.

() Upon receipt of DNA data analysis results from the Tennessee bureau of investigation pursuant to § 38-6-113(d) or similar qualified laboratory, the investigating agency must, upon a victim's request and within a reasonable time, notify the victim of whether a DNA sample was obtained from the analysis and whether the analysis resulted in a match to a DNA profile in state or federal databases, unless disclosure of the information would impede or compromise the investigation.

SECTION 8. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

() Sexual assault forensic evidence obtained pursuant to § 39-13-519 may not be used:

(1) To prosecute a sexual assault victim for any misdemeanor offense or any offense defined under title 39, chapter 17, part 4; or

(2) As a basis to search for further evidence of any unrelated misdemeanor offense or any offense defined under title 39, chapter 17, part 4, that may have been committed by the sexual assault victim.

SECTION 9. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Crime assistance program" includes, but is not limited to, programs that provide appropriate counseling and support to victims;

(2) "Sexually-oriented crime" means those crimes listed in § 29-13-118(b); and

(3) "Victim" means a victim of a sexually-oriented crime.

(b) A victim of a sexually-oriented crime has the right, upon request, to:

(1) Consult with a crime victim advocate from a crime assistance program or a victim-witness coordinator as provided for in § 8-7-206 at any stage of the criminal proceeding;

(2) Have a support person of the victim's choosing present during any forensic medical examination and during any interview with law enforcement, the prosecuting attorney, the defendant, or the defendant's attorney;

(3) Be interviewed by a law enforcement officer of the gender of the victim's choosing if reasonably available;

(4) Be informed by the appropriate agency of a change in the status of the victim's case, including whether the case has been closed or reopened;

(5) Be notified when the investigating agency has received results of the medical forensic evidence DNA analysis from the Tennessee bureau of investigation or other similar qualified laboratory;

(6) Be informed of whether a DNA sample was obtained from the analysis and whether the analysis resulted in a match to a DNA profile in state or federal databases unless disclosure would impede or compromise the investigation; and

(7)

(A) Be informed, upon a victim's request, by the appropriate law enforcement agency at least sixty (60) days before the intended date of destruction or disposal of the victim's sexual assault evidence collection kit evidence or other evidence from an unsolved sexual assault case if the intended date of destruction or disposal is prior to the expiration of the applicable statute of limitations; and

(B) Request retention of the evidence for an additional twelve (12) months or for a time period agreed upon by the victim and the appropriate law enforcement agency.

(c) The victim has a duty to keep current information regarding the victim's location so that the appropriate agency may be able to contact the victim.

SECTION 10. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "forensic medical examination", "hold kit", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meaning as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall procure and implement an electronic system that tracks the location and laboratory analysis status of each sexual assault evidence collection kit and hold kit released to a law enforcement agency at the conclusion of a forensic medical examination on or after July 1, 2022.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting the tracking number into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation shall create a written pamphlet explaining how to access and use the tracking system. The law enforcement agency described in subsection (c) must provide the pamphlet to the victim with the tracking number.

(e) Records and information contained in the tracking system pursuant to this section are confidential and not a public record.

SECTION 11. Section 10 of this act takes effect upon becoming a law, the public welfare requiring it. All other provisions of this act take effect July 1, 2021, the public welfare requiring it.